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CAROL G. FITZGERALD  
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BY \_\_\_\_\_  
DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

IN RE )  
SENTENCING PROCEEDINGS )  
\_\_\_\_\_ )

SPECIAL ORDER NO. 76

Unless otherwise ordered, in all criminal proceedings prosecuted in the District of Nevada, except prosecutions for petty offenses, proceedings pursuant to the Sentencing Reform Act of 1984, Subsection 3551, et seq., and sentencing considerations prior to enactment of guidelines, shall be governed by the following rule where applicable:

1. All pleas of guilty shall be accomplished by a written plea agreement and, to the extent possible in sentencing guideline proceedings, a written stipulated statement of facts which complies with subsections 6B1.2 and 6B1.4 of the Sentencing Guidelines and which includes all terms of the plea agreement, all facts relevant to sentencing under the Guidelines and a statement

1 of the parties identifying the base offense level applicable under  
2 the Sentencing Guidelines. Prior to the entry of the plea, counsel  
3 for defendant and counsel for the government shall make every  
4 effort to resolve all factual disputes material to sentencing and  
5 include them in the stipulated statement of facts in order to avoid  
6 the necessity of an evidentiary hearing at the time of sentencing.

7  
8 2. Sentencing proceedings shall be scheduled no earlier  
9 than seventy (70) days following entry of a plea of guilty or nolo  
10 contendere, or a verdict of guilty following trial.

11  
12 3. The presentence investigation report, including any  
13 applicable sentencing worksheets, shall be completed and disclosed  
14 to the parties within fifty-five (55) days of the entry of a plea of  
15 guilty or nolo contendere, or a verdict of guilty following trial.  
16 The presentence investigation report, including sentencing worksheets,  
17 shall be deemed to have been disclosed (1) when a copy of the report  
18 is physically delivered, (2) one day after the availability of the  
19 report has been orally communicated to counsel by the probation  
20 office, or (3) three days after a copy of the report or notice of its  
21 availability is mailed by the probation office to counsel. It shall  
22 be the responsibility of counsel for the parties, or a defendant who  
23 is proceeding in proper person, to obtain a copy of the presentence  
24 investigation report, including sentencing worksheets, immediately  
25 after it becomes available.

26 .....

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2           4.    DISPUTES WITH PRESENTENCE REPORT.   The court directs  
3 that counsel, to the extent possible, attempt to resolve with the  
4 United States Probation Office any contested matters prior to the  
5 imposition of sentence and to file the original and two copies of a  
6 joint certificate of concurrence with the Clerk of Court at least five  
7 (5) days prior to the date set for the imposition of sentence.

8  
9           5.    In the event significant conflicts remain unresolved,  
10 at least five (5) days prior to the date set for the imposition of  
11 sentence, counsel shall file the original and two copies of written  
12 objections with the Clerk of Court. A copy of said objections shall  
13 be served immediately upon the United States Probation Office and upon  
14 opposing counsel. Opposing counsel and the United States Probation  
15 Office shall file the original and two copies of their written  
16 response to the objections at least three (3) days before sentencing.

17  
18           6.    The parties are admonished that the presentence report  
19 remains a confidential document in that any unauthorized copying (this  
20 is not intended to prevent a copy being provided to the defendant) or  
21 disclosure shall be deemed an act of contempt of court and shall be  
22 punished accordingly. The parties are further admonished that they

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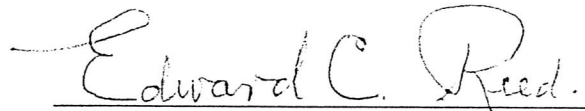
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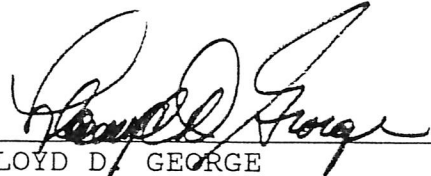
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2 may be subject to sanctions if they fail to comply with the terms of  
3 this Special Order.

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5 7. Amended Special Order No. 31 and Second Amended  
6 Temporary Special Order No. 66 are rescinded.

7  
8 Dated this 1st day of July, 1991.

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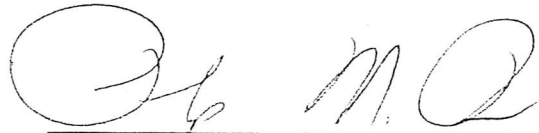
11 EDWARD C. REED, JR.  
12 Chief, United States District Judge

13  
14 

15 LLOYD D. GEORGE  
16 United States District Judge

17  
18 

19 HOWARD D. MCKIBBEN  
20 United States District Judge

21  
22 

23 PHILIP M. PRO  
24 United States District Judge